

Dated 19.06.2024

Today is fixed for cross-examination of P.W.5

Out of (09) accused persons, (05) accused are present and rest (04) accused are represented u/s 317 Cr.P.C.

Ld. APP is present.

Witness, Ruby Parween (P.W.5) is present.

Ld. Advocater for the accused persons files a petition and submits that one application of accused persons were rejected by this court vide order dated 18.05.2024 and the accused persons are going to file an appeal/revision against the said order. However since 06.06.2024 to 18.06.2024 the Ld. Advocates of local Bar observed 'cease work' as per their resolution and as such the accused persons have failed to file any application before Higher Forum against the order of this Court dated 18.05.24. Hence, Ld. Advocate prays for an adjournment today.

Ld. APP raised strong objection and submits that this witness is appearing on consecutive dates but the Ld. Advocate for accused persons are seeking adjournments repeatedly.

Heard both side. Perused. Considered.

It appears that on 04.05.24 cross-examination of P.W.5 was deferred on prayer of accused. Thereafter 18.05.24 was fixed for cross-examination and on that day also the case was adjourned with a specific direction upon the accused to cross-examine the witness on 05.06.2024. Again on 05.06.2024 the case was adjourned for ends of justice on prayer of accused. Today also the Ld. Advocate for accused persons is seeking adjournment.

Hon'ble High Court, Calcutta in number of cases reminded us not to give unnecessary adjournment when the witness is present. The P.W.5 remained present for each and every dates for her cross-examination but the Ld. Advocate for accused persons have not concluded the same.

Further the ground of adjournment as submitted by the Ld. Advocate for accused persons is not at all satisfactory for deferring the cross-examination of P.W.5 any further.

Hence, the prayer of adjournment is rejected.

However some pass-over time is given to the Ld. Advocate for accused persons to conclude the cross-examination of P.W.5 today.

The matter will be taken up after recesses.

J.M. 3rd Court, Asansol

Contd...

G.R- 962/2016 (CIS Reg. No. 251/2016)
C.N.R No. WBBD16-001483-2016

Later:

Dated 19.06.2024

(after recesses at 03:00 pm)

Record is taken up for cross-examination of P.W.5.

Ld. APP is present. Witness, P.W.5 is also present.

Ld. Advocate for accused files a petition and prays for adjournment on the ground stated therein.

Hd. both side. Perused. Considered.

In view of earlier order passed today I am not inclined to adjourn this case. Repeated opportunities have already given to the accused to conclude the cross-examination of P.W.5 but of no effect. The witness is being harassed day by day due to such conduct of accused.

Hence, crosss-examination of P.W.5 be closed and she is dischrge.

On further perusal it appears that summon was issued upon C.S.W.7 and he appeared on 04.05.2024.

On that day C.S.W.7 was discharged without examination as on that day the cross-examination of C.S.W.6 (P.W.5) was not concluded.

Thus issuance of fresh summon upon C.S.W.7 is not required at this stage.

Ld. APP to inform the next date to C.S.W.7 for his deposition.

Fix.... 28.06.2024for evidence (examination of C.S.W.7)

Inform all concern.

Upload in CIS.

J.M. 3rd Court, Asansol